

# Notice of Allowability

Application No.

09/941,598

Examiner

Dac V. Ha

Applicant(s)

MARYANKA, YAIR

Art Unit

2634

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 08/23/05.
2. ☒ The allowed claim(s) is/are 18, 4-9, 23, 24, 10, 13-17, 25, 26, 28, 31, 33, 34, 37, 39, renumbered as 1-22, respectively.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

Dac V. Ha  
Primary Examiner  
Art Unit: 2634

***Allowable Subject Matter***

1. This office action is in response to the amendment filed on 08/23/05.
2. Claims 4-10, 13-18, 23-26, 28, 31, 33, 34, 37, 39 are allowed.
3. The following is a statement of reasons for the indication of allowable subject matter:

Upon further consideration and comparison with prior art of record (closest reference, Nagai et al. – US 6,393,064), claims 4-10, 13-18, 23-26, 28, 31, 33, 34, 37, 39 are allowed. Prior art of record, taking individually or collectively, fails to fairly teach a communication system and method including “wherein said modification scheme further includes a pattern of modifications and wherein the transmitter further comprises: (c) a signal pattern generator for controlling said shifter and wherein said modulation scheme includes modulation a symbol onto the carrier over a symbol period and said signaling pattern includes a plurality of said modifications within said symbol period” OR “wherein said second device includes a transmitter and said listening is for the sake of collision detection; and wherein the method further comprises the step of: (c) resolving said collision; and (d) assigning a signal priority level to said first signal; and wherein said resolving is according to said signal priority level” OR “an adjuster to change an attribute of the medium; and a DC power supply for supplying a DC voltage to the devices, the DC power supply being decoupled from transmissions by the devices”, as claimed, in independent claims 10, 18, 25, 33, 37, 39. Thus, claims 4-10, 13-18, 23-26, 28, 31, 33, 34, 37, 39 are found to be novel and unobvious over prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dac V. Ha whose telephone number is 571-272-3040. The examiner can normally be reached on 5/4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571-272-3056. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Dac V. Ha', with a horizontal line underneath.

Dac V. Ha  
Primary Examiner  
Art Unit 2634